MYSORE GOVERNMENT, GENERAL AND REVENUE SECRETARIAT
JUDICIAL DEPARTMENT.

Subject **File No.** 5 of 1908-09

A Bill to further amend the City of Mysore Improvement Regulation III of 1903.

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Serial No.	Communication No.	Date	From or to whom	Subject in abstract

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OFFICE OF THE DEWAN OF MYSORE.

Dated 2nd August 1908

Mr. J. Ananda Rao, Member of the Mysore Legislative Council, is hereby permitted to introduce the draft Bill further to amend the City of Mysore Improvement Regulation III of 1903,

.....at a meeting of the said Council, subject to the rules for the time being in force under the Mysore Legislative Council Regulation, No. I of 1907.

M. Krishna Rao

Dewan of Mysore.

2

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1st Councillors office
Bangalore
Dated September 1908

To

C. S. Balasundaram Iyer Esquire, B.A
Secretary to the Mysore Legislative Council.

Sir,

Please take notice that I intend making a motion ~~that~~ for leave being granted to introduce a bill to amend the Mysore City Improvement Regulation III of 1903 at the meeting of the Mysore Legislative Council to be held on Thursday the 1st October 1908.

I have the honor to be,
Sir,
Your most obedient servant,

T. Bhandara Rao

Member, Mysore Legislative Council.

4 Draft

Bill further to amend
the city of Mysore
Improvement Regulat
ion III of 1903

Sir,

The object of the
short amendment
to the City of Mysore
Improvement Re-
gulation III of 1903
is to vest in the
Board of Trustees,
the powers exercised
by

by the Mysore City
Municipal Council
under the new
Mysore Municipal
Regulation VII of
1906 in regard to the
drainage Conservancy
and Sanitation of
the areas brought
under the control
of the Trust Board Opposite
^
city has also been
taken to amend
Section 4 relating
to the Constitution
of

of the Trust Board which will hereafter have 9 trustees instead of 8. The Board thus constituted will include the Mysore city Health officer & the Deputy Sanitary Commr in the place of the Civil Surgeon

Draft

Ex-officio Member

25/9/08.

Camp Mysore
September 08

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SUPPLEMENT TO

THE MYSORE GAZETTE

Published by Authority.

MYSORE, THURSDAY, OCTOBER 15, 1908.

Abstract Proceedings of the Mysore Legislative Council.

The Council met in the Public Offices, Mysore, on Thursday the 1st October 1908 at 3 P.M.

PRESENT.

V. P MADHAVA RAO, ESQ., C.I.E., Dewan (Presiding).

Ex-officio Members.

T. ANANDA RAO, ESQ., B.A., (First Councillor).

K. P. PUTTANNA CHETTY, ESQ., (Second Councillor).

Additional Members.

Official.

RAJAKARYAPRAVINA A. RANGASWAMI IYENGAR, ESQ., B.A., B.L.

H. J. BHABHA, ESQ., M.A.

RAO BAHADUR M. MUTHANNA, ESQ.

M. KANTHARAJ URS, ESQ., B.A.

S. NARAYANA RAO, ESQ.

K. S. CHANDRASEKHARA AIYAR, ESQ., B.A., B.L.

Non-official.

RAJAMANTRAPRAVINA C. SRINIVASIENGAR, ESQ.

V. N. NARASIMMIYENGAR, ESQ.

M. C. RANGIENGAR, ESQ., B.A.

B. NAGAPPA, ESQ., Bar-at-law.

SYED AMIR HASSAN, ESQ.

C. S. BALASUNDARAM IYER, ESQ., B.A. (Secretary).

The Secretary reported that the Mysore Newspapers Regulation, III of 1908, received the assent of His Highness the Maharaja on the 8th day of August 1908.

Bill further to amend the City of Mysore Improvement Regulation, III of 1903.

MR. T. ANANDA RAO moved for leave to introduce the above bill, and in doing so said:—The object of the short amendment to the City of Mysore Improvement Regulation, III of 1903, is to vest in the Board of Trustees the powers exercised by the Mysore City Municipal Council under the new Mysore Municipal Regulation, VII of 1906, in regard to the drainage, conservancy and sanitation of the areas brought under the control of the Trust Board. Opportunity has also been taken to propose an amendment to Section 4 relating to the constitution of the Trust Board by which the Board will have 9 Trustees instead of 8. The Board thus constituted will include the Mysore City Health Officer and the Deputy Sanitary Commissioner in the place of the Civil Surgeon.

MR. K. P. PUTTANNA CHETTY seconded the motion.

The motion was put to the Council and carried.

Bill to provide a law relating to Treasure-Trove in Mysore.

RAJAKARYAPRAVINA MR. A. RANGASWAMI IYENGAR moved for leave to introduce the above bill, and in doing so said:—Under Rule 30 of the rules for the conduct of business of this Council, I rise to move for leave to introduce a bill to provide a law relating to Treasure-Trove in Mysore. The proposed bill and its statement of objects and reasons have been published with Government Notification No. J. 2709—Legis. 19 of 1906, dated 6th March 1907. The statement clearly explains the need for the legislative measure in question and the changes introduced in the existing rules and the Indian Treasure-Trove Act, VI of 1878, the provisions of which have been generally adopted. It is scarcely necessary for me to take up the time of the Council especially at this stage by going more fully into details, and I request accordingly that the bill may be allowed to be introduced.

MR. K. S. CHANDRASEKHARA AIYAR seconded the motion.

The motion was put to the Council and carried.

Bill for the Regulation of the Possession and Sale of Poisons in Mysore.

MR. K. P. PUTTANNA CHETTY moved for leave to introduce the above bill, and in doing so said:—Mr. President,—The measure I am entrusted with, deals with the possession and sale of poisons within the State. The question of restricting, by legislation, the possession and sale of poisons has been under the consideration of Government ever since 1894. It was then suggested to Government that the Bombay Act, VIII of 1886, might be introduced into Bangalore. It was however understood that the Act did not efficiently serve the object which its framers had in view. Meanwhile, the Government of India had under consideration a proposal for an enactment on the subject for the whole of India. This Government deferred taking further action till the Government of India passed the Poisons Act. Now that the Poisons Act (I of 1904) has been enacted and rules have been framed under it by almost all the Local Governments in British India, it is thought desirable to introduce a similar measure in Mysore.

I need not explain to you in any detail the necessity for such a measure. The ease with which poisons can be procured and the dastardly purposes to which they can be, and have been, used make it necessary that Government should exercise, in the interests of the people, some general control over the possession and sale of poisons. In the absence of such a measure, it is possible for any one to get hold of any quantity of poisons for any purpose and to escape notice or detection. The object of the present measure is, therefore, to provide for such a general control. The scope of the bill is very limited. It is only a

permissive measure, empowering Government to make rules for the objects specified therein. Its success will therefore depend upon the rules framed and upon the manner of enforcing them.

I shall now briefly advert to a few of the provisions of the bill. Clause 2 empowers Government to control the sale of poisons within Municipalities. Clause 3 authorizes the prohibition of the importation of white arsenic except under a license. This poison is particularized, because it is commonly used in criminal cases of poisoning and is also easily procurable. Further, by Clause 6 power is taken to apply the provisions relating to white arsenic to any other poison. Clause 10 affords protection for *bona fide* dealing with poison by professional men who have to employ them in the ordinary course of their business.

I must however refer to one point in some detail on which our bill departs from the British Indian Act. And that is with regard to the power vested in Government under Clause 10 (2) to make rules for the control of transactions by chemists and druggists and other professional men with regard to certain poisonous drugs to be specified by Government. Our recent experience has demonstrated the necessity for such a provision. I need not bring to your recollection the facts connected with the atrocious series of murders recently brought to light in Bangalore. How the miscreants used chloroform—primarily invented for the relief of pain—for effecting their nefarious objects and how easily they were able to obtain it, these are well known facts. It is indeed regrettable that such poisonous drugs, which may be used with fatal results, should be easily procurable from chemical shops, and it is, therefore, proposed to take power under the bill to provide that with regard to poisonous drugs to be specified by Government the medical practitioners and other professional people should maintain registers with full particulars and allow examination of the registers and the poisons exposed for sale.

I now move that leave be granted to introduce the bill.

Mr. M. Kantharaj Urs seconded the motion. The motion was put to the Council and carried.

Bill to amend the Mysore Registration Regulation, I of 1903.

Mr. T. Ananda Rao:—Sir,—I beg to move that the amendment of Section 88 of the Mysore Registration Regulation be taken up and read in Council. As already stated, it is for the purpose of exempting the Deputy Post Master-General of Madras from attending at Registration offices for the registration of documents to which he is a party. In British India, he is exempted from appearance just as all British Government Officers are exempted in British India and as all Mysore Government Officers are exempted in Mysore.

Mr. S. Narayana Rao seconded the motion.

The motion was put to the Council and carried. The bill was then finally considered in Council and was unanimously adopted by it.

The Village Tank Panchayet Bill.

Mr. K. P. Puttanna Chetty moved for the introduction and reading of the above bill, and in doing so said:—Sir, I beg to move that the Village Tank Panchayet Bill, which has been published in the Gazette of the 10th September, be read in Council. The object of the bill and the main principles involved in the measure are sufficiently clear from the statement of objects and reasons which has also been published, and it is hardly necessary for me to explain these at any great length.

To an agricultural country like Mysore, the importance of its irrigation works cannot be overrated; and, as might have been expected, the subject of tanks has engaged the attention of the Government for several decades past. There are in the State nearly 40,000 tanks, large and small, about 30,000 of which yield revenue to Government. Every valley and every drainage area has had a bund thrown across it for storing the drainage of the country, so

much so that, as observed by a great engineering authority, it is extremely difficult to find a site suitable for a new tank. It was therefore recognised at a very early stage that little remained to be done by the Government in the matter of irrigation facilities beyond restoring and maintaining the old works.

To take up first the subject of maintenance of tanks, it was found that the majority of the tanks were in a state of the utmost neglect. This was due to the customary obligations of the raiyats to keep their tanks in order not being enforced. All that a raiyat need be called upon to do in the way of maintenance of tanks is to throw a basketful of earth here and there, to fill in the gullies on the slopes of the bunds, remove prickly pear and rank vegetation from the bunds, and such small items of work, timely attention to which would save the tank from falling into disrepair. It is impossible for any Government agency to attend to these details; and, as a result of not enforcing the raiyats' obligations, it was found that tanks were every day hopelessly getting into disrepair. The Government therefore found that it was time the customary obligations of the raiyats were enforced, and accordingly in the year 1873 they passed the Tank Maintenance Rules for enforcing these obligations. It is under these rules, as slightly modified by a Government Notification issued in December 1904, that the maintenance of tanks by the raiyats is at present regulated.

The rules of 1873 refer only to tanks which are already in a state of efficient repair or have been restored and brought to a standard of safety and formally handed over to the raiyats for upkeep. As regards tanks which had not been restored to a standard of safety, it was considered that raiyats could not reasonably be called upon to restore or repair works which had been neglected for a number of years. The question of the repair and restoration of these neglected tanks engaged the anxious consideration of the Government for years, but no definite steps were taken in the matter until 1887, when a distinction was drawn between tanks yielding a revenue of over Rs. 300, which were called major tanks, and those yielding a revenue of Rs. 300 and under, which were called minor tanks. Under this classification there are 2,388 major tanks and 26,682 minor tanks in the State. The restoration of the former was to be carried out by the Public Works Department, subject to the levy of contribution from the raiyats. We are not, however, concerned, in the bill before us, with the subject of the restoration of major tanks, and I shall not refer to it again. As regards the minor tanks which form the great bulk of the tanks in the State and which have aptly been described as "the life of the country," these were, under the scheme sanctioned in 1887, to be restored by the Government and the raiyats jointly, the Government undertaking to do the required stone and masonry work, whenever the raiyats carried out the earthwork. After restoration, the maintenance of these tanks was to be enforced under the Rules of 1873. This scheme known as the Minor Tanks Restoration Scheme sanctioned in 1887 is still in operation, and it is under it that minor tanks throughout the State are now being restored.

These, then, are the rules in force in the State in regard to the two matters dealt with in the bill before us, the restoration and repair of minor tanks and the maintenance of all restored tanks, major and minor, *viz.*, the Minor Tank Restoration Scheme of 1887, in regard to the former and the Chief Commissioner's Rules of 1873, as amended in 1904, in regard to the latter. Let us consider what the results have been of the operation of these rules during the past several years.

Notwithstanding all the efforts made by Government for the proper preservation and restoration of these irrigation works, we cannot conceal from ourselves the fact that a large number of them are still in complete ruin and that many of the restored tanks themselves have been allowed to again fall into disrepair. Under the Minor Tank Restoration Scheme, altogether 2,304 tanks have been repaired since the scheme was started, or on an average of 110 per year. At this rate of progress it will be more than two centuries before all the minor tanks in the State are repaired. And as regards maintenance of restored tanks it has been a frequent complaint that the village officers on

whom the duty of enforcing the tank maintenance rules devolves have been slack in the performance of their duty, and that the higher Revenue officers have also been negligent in the matter. There have been many instances in which the raiyats neglected to do the necessary earthwork and the Public Works Department has had to undertake for a second time the restoration of such tanks to preserve them from complete ruin. Much has been done during the past few years to remedy this unsatisfactory state of affairs by the issue of orders insisting on the personal responsibility of Revenue officers to see to the proper maintenance of tanks.

While it is to be hoped that these measures will remedy matters to some extent, it appears to Government that something more is necessary before a radical improvement of the situation can be looked for. I do not say that the principle of the existing rules which insist on the responsibility of the raiyats for the maintenance of tanks once restored requires re-consideration—I have already shown that it is impossible for any but the raiyats interested in the tanks to maintain them—or that any material alterations are necessary in the scheme under which the restoration of minor tanks is carried out by the Government and the raiyats jointly. In fact a Committee appointed by Government in the year 1903 to consider the whole question was of opinion that no material changes in these rules were necessary. The rules are good enough so far as they go, but there are two circumstances which militate against their efficient working. The first is the want of a spirit of co-operation among the raiyats and the second is the absence of sufficient inducements to make them take a real and personal interest in their tanks. Undue importance was at one time given to the responsibility of Government for the upkeep of the tanks, the raiyats' liability being altogether ignored, and when Government found that its costly agency could not possibly undertake the management of all the tanks in the State, the raiyat was called upon to take charge of the majority of the tanks. But the raiyat had by this time lost all traditions of combination for works of public utility, and it is easy to see that without such combination it is impossible that the rules relating either to the maintenance of restored tanks or to the repair and restoration of minor tanks, both of which require concerted action on the part of the raiyats, can be satisfactorily carried out. It is an every-day experience of Revenue officers that the maintenance works required to be done by raiyats to tanks are often entirely neglected by reason of the obstinacy or default of a few recalcitrant raiyats, often only one or two. Again it often happens that, when a tank is to be restored, the majority of the villagers agree to pay the contribution demanded or to do the necessary earthwork, but the proposal falls through on account of the obstructive attitude of an unwilling minority. The first thing therefore to be done, if the present unsatisfactory state of things is to be remedied, is to educate the raiyats to unite for works of common benefit.

The second defect in our system of tank management to which I have referred is the absence of sufficient inducements to make the raiyats take any interest in the proper upkeep of their tanks. The maintenance of tanks has hitherto been treated as a matter in which Government is solely concerned and for which Government agency is alone responsible, while the principal factor in the problem, namely, the raiyat owning lands under the tanks, has been more or less ignored. The raiyats' part has been to unwillingly and sullenly carry out, if he could not evade, what was demanded of him by the village officers and revenue officers. Nothing has been done to interest the raiyat in the tank or to secure his willing and intelligent help and co-operation in the matter of its restoration and maintenance. In addition to educating the raiyats to co-operate with one another in their communal affairs, it is therefore necessary that an effort should be made to create in them an interest in the maintenance of their tanks. And if this is to be done there should be no feeling of compulsion when the raiyats have to do any work to their tanks. They should be given a substantial voice in the measures necessary for the maintenance of the tanks. The powers to execute the necessary works should be given to them, instead of their being pressed and compelled to do those works; and the

control over the funds that may be set apart for the purpose of repairing and maintaining tanks should also be transferred to them. They should be made to regard the tanks as their own and be induced to attend to their repairs and maintenance with the same readiness and interest as they would show in renewing the thatch to their houses or repairing the hedge of their gardens. In short, the raiyats' interest in the tanks can best be secured by allowing them a certain measure of self-government in respect of the tanks. It is with this view that it is proposed to constitute Village Panchayets for the control of tanks, composed of the Patel and Shanbhog of the village and three or more members elected by the raiyats from among themselves; and the object of the present bill is to authorise the constitution of such panchayets and to lay down their powers and duties. In giving over the control of tanks to the raiyats, their responsibilities and duties remain just the same as before. The bill does not relieve them of any of their existing obligations in regard to the maintenance, repair or restoration of tanks, nor does it impose any additional obligations on them. The bill only alters the agency by which these obligations are enforced. In place of the purely official agency now existing, the bill substitutes the agency of panchayets composed mostly of members elected by the raiyats themselves.

I should here like to remind the members of the Council of the fact that the constitution of Village Panchayets to deal with village tanks is not a new idea now started for the first time. On the contrary, there is strong evidence to show that village committees for the supervision and maintenance of tanks existed in South India from very early times. In the report of the Archæological Survey of British India for the year 1903-04, there is an interesting monograph from the pen of Mr. V. Venkayya about "Irrigation in Southern India in ancient times," in the course of which the writer makes some remarks about the committee for supervision of tanks which, he says, each village in the Tamil country seems to have had in ancient times, and which we may safely assume was to be found in the Kanarese country as well. "At Uttaramallur in the Chingleput District," says Mr. Venkayya, "there are two inscriptions belonging to the beginning of the 10th century, which furnish full details about the constitution of village assemblies and the mode of selection of members to them." . . . "We are there told that the village assembly consisted of several committees, of which the committee for supervision of tanks was one. This body consisted of six members who held office for 360 days and then retired. If any one who served on the committees was guilty of any offence, he was removed at once. The duties entrusted to these committees are nowhere clearly laid down. But those of the committee for the 'supervision of tanks' with which alone we are at present concerned, do not require any detailed explanation. It may be presumed that all endowments made in favour of tanks were entrusted to them and that they had to invest money endowments in the best possible way. We may suppose that they utilised them in reclaiming waste land and cultivating it, in order to pay the interest on the endowment from the produce. They had apparently to look after the cultivation of lands granted to tanks. The income from both these sources had to be applied to meet the charges of the annual or periodical removal of silt in tanks and for repairs so far, I suppose, as funds would permit. Fines to be credited to the tank fund were levied by them." "The king does not appear to have had any direct control over the upkeep of tanks. He could of course enforce the obligations incurred by village assemblies as trustees of endowments made for tanks." It will be seen from this that in former times the control of tanks vested not in the Government but in the village community, and that this control was exercised in a well-organised and systematic manner, but the information that we now possess does not enable us to say how or when this ancient indigenous institution ceased to exist.

The question may be raised whether it is wise to hand over the numerous irrigation works in the State on which so much of the revenue of the State and the prosperity of the people depend, to panchayets of villagers. Under the existing rules, the Revenue officers can compel the raiyats by coercive processes

to carry out the maintenance and repair of tanks. In spite of this power in the hands of the Revenue officers maintenance and repairs have been neglected. Will the raiyats show any more zeal in the matter when the enforcement of the rules is handed over from the Deputy Commissioner to their own panchayets and when the Deputy Commissioner can exercise coercion only on the application of the panchayets? This question has been asked and my answer to this is that the Government have every confidence that the proposed scheme will revive a communal spirit which will effect what any amount of coercion on the part of the Revenue officers has failed and must fail to achieve. But the Government fully recognize the fact that it is possible that they may be disappointed in their expectations; and, having regard to the enormous importance to the State and the people of the material interests dependent upon the upkeep of the tanks, they do not propose that the new scheme should be brought into force throughout the State at once. As explained in the statement of objects and reasons, the bill does not contemplate the constitution of panchayets compulsorily in places where the villagers do not wish to have them. The panchayets are to be formed only in villages where a majority of not less than two-thirds of the villagers wish to have them. And even where the majority of villagers decide to have panchayets, Clause 3 of the bill introduces a further limitation by laying down that panchayets are to be constituted only in places where the Government may consider it expedient to do so. The scheme will therefore be introduced only in villages where the Government may be satisfied that the conditions are favourable to its introduction. There should on the one hand be intelligent villagers who can co-operate for objects of common good, and on the other hand Amildars and Deputy Commissioners who are capable of working the scheme with zeal and sympathy. I fear that, with the disintegrating influences of modern civilisation, the factions existing in numerous villages, and the declining personal influence of the village officers and of the Amildars, it is only in a few villages that these conditions can, for some years at least, be found to exist. Far from there being therefore any danger of all or the majority of the tanks in the State being left entirely to the management of Village Panchayets who may or may not keep them in order, the problem which the Government will have to face when the bill is passed into law will be whether there are many places in which it could be successfully worked. And even in the few places where the panchayets may be constituted, clause 17 of the bill provides a remedy in the case of incompetency, default or abuse of powers on the part of panchayets by empowering Government to supersede the panchayets permanently or for a time. I may assure the Council that the working of the scheme will be most carefully watched by the Government and that they will not lose sight of the necessity to take careful stock of the position at short intervals in order to bring clause 17 into operation where necessary to prevent further deterioration of tanks which may have been neglected by panchayets.

Turning now to the powers and duties intended to be vested in the Tank Panchayets, it will be seen that as an immediate consequence of the constitution of a panchayet in a village, the enforcement of the Tank Maintenance Rules in that village will thereafter vest in the panchayet; and, as a corollary to this, the panchayet will have the power, which now vests in the village patel and the hobli shekdar or Revenue Inspector, to apportion the work required for the maintenance of the tank or tanks in the village among the raiyats according to their respective obligations; and, if a raiyat fails to do the work that is allotted to him or prefers to commute his quota or labour into a money payment, the panchayet will itself get the work done out of the funds at its disposal and recover the cost from the raiyat. The duty of getting work done which a raiyat fails to do now rests with the patel of the village; but, as the patel holds no funds for the purpose, this arrangement has not been found to be satisfactory in practice. Besides, when the patel by himself gets the work done, questions are likely to arise as to the cost actually incurred, but when the duty is entrusted to a panchayet of the leading raiyats their decision in such matters will be accepted without question.

The power to grant the beds of tanks for temporary cultivation of quick-growing crops is at present exercised by the Amildar and the Deputy Commis-

sioner, and is proposed under clause 12 of the bill to be transferred to the Tank Panchayet. Clause 13 provides that in order to avoid the waste of water that may be caused by different raiyats commencing the sowing of wet crops at different times, the panchayet may decide on the time when such sowing operations should be commenced and also empowers the panchayet to regulate the issue of water from the tank. The next clause of the bill, clause 14, also relates to the regulation of the issue of water from tanks, but it introduces an important innovation. This clause provides that a Tank Panchayet specially empowered by Government in this behalf with the consent of a majority of not less than two-thirds of the raiyats whose interests are affected may, in any year, having regard to the quantity of water available in the tank, impose such restrictions as it may consider necessary on wet cultivation below the tank. What now happens in seasons of short rainfall is that all the raiyats holding wet lands under a tank put their lands under wet cultivation, even when it is quite certain that the supply of water in the tank will not suffice for them all, with the result that there is a general scramble for water and all of them suffer from shortage, if not total failure, of crops. Similarly, there is now no restriction against any raiyat holding land under a tank planting sugarcane anywhere below the tank. The result is that sugarcane is planted in small patches here and there, and as this crop requires water nearly all the year round, there is considerable waste of water. To remedy this serious defect in the existing system, this clause provides that a panchayet specially empowered by Government as mentioned above may decide what extent out of each wet holding shall be allowed to be cultivated with wet crops, and, as for the cultivation of sugarcane, to select a suitable piece of land as near the sluice of the tank as possible and parcel it out among the different raiyats who may be desirous of cultivating sugarcane, and if the water in the tank is insufficient even for this to prevent such cultivation altogether. If, in accordance with a decision of the panchayet under this clause, any holder of wet land is not allowed water to irrigate his land and is prevented from raising wet crops thereon, it is proposed to allow a remission of half the assessment on the land. This is the most important provision of the bill.

Several questions are likely to be raised in connection with these provisions. In the first place, is it likely that a majority of wet land holders in any village will be willing to put it in the power of the panchayet to prevent the supply of water for irrigating their lands? Secondly, will the Government be justified in granting a remission of half assessment in such cases? Thirdly, will not this concession entail a serious loss of revenue to the State and will it not lead to abuse by encouraging the holders of wet lands to put their lands out of cultivation in order to secure the remission of half the assessment? To take up the last of these questions first, I think it may confidently be asserted that the panchayet or, for the matter of that, any raiyat will not put wet lands out of cultivation merely for the sake of obtaining a remission of half the assessment. It is well known that the Government assessment on wet lands represents but a small proportion of the income from the lands, and it is not to be supposed that anybody will willingly forego the profits to be derived from wet cultivation except for good and sufficient reason. There need not therefore be any fear of any serious loss of revenue to the State or of the concession leading to any abuse.

The second question is somewhat more difficult, *viz.*, whether the State would be justified, in view of its settlement system, in granting remissions in cases where wet crops cannot be raised on account of insufficiency of water. In Mysore, we have followed the Bombay system of settlement under which wet lands are classed with reference to the capacity of the tanks to supply them with water for irrigation, and the assessment on them is fixed with reference to the average of a series of years, good and bad, and making sufficient allowance for occasional deficiencies of rainfall and other vicissitudes. Under this system the Government is not bound to grant either full or partial remission in bad years and the proposed system of granting remissions may therefore be objected to on the ground that it will affect the integrity of the existing settle-

ment. With reference to this I may say that, while I am prepared to hold that a system of settlement, under which a soil assessment and a water assessment are separately imposed on wet lands and the water assessment is remitted when no water is given for irrigation, has the advantage of simplicity and elasticity and may therefore be preferable to our existing system, it is now too late in the day to think of adopting such a system, and the Government have no intention of disturbing the existing system of settlement; but, they cannot shut their eyes to the fact that, in spite of all the care taken by the Survey and Settlement Department in classifying and assessing lands, more land has sometimes been entered in the *atchkat* of a tank than can properly be irrigated by it, and that although no doubt the assessment fixed on the basis of the average of a number of years works out fairly and equitably in the long run, the vicissitudes of the season often cause hardship in individual cases and in particular years; and, while the Government is not bound to grant full or partial remission in bad years, they have as a matter of fact been giving such remissions in cases of widespread drought. The present proposals go a step further in the same direction. Although no remission is claimable as a matter of right in cases where wet crops cannot be raised on any lands on account of insufficiency of water in a tank, yet as a concession and as an incentive to the raiyats to invest their panchayets with the useful powers contemplated in this clause, the Government propose to allow half remission in all cases where wet lands are thrown out of cultivation under the orders of a panchayet, treating them as analogous to the case of wet lands under tanks which have breached. And this brings me to the question whether the raiyats are likely to agree to put such a power in the hands of the panchayets. It is true that the people have almost lost the capacity for combined action, which implies readiness to make small personal sacrifices for the common good, and it is difficult to say how far the raiyats in a village, especially those holding lands at a distance from the sluice of the tank, will be willing to abide by a decision of the panchayet that in view of the insufficiency of water they should not raise wet crops upon any or all their lands; but, as observed in the statement of objects and reasons, if they are prepared to accept such a decision and show some self-restraint, this will be a measure of the extent to which the spirit of combination and self-sacrifice, which the Government wish to revive, has been brought into existence.

I have already referred to the fact that if the raiyats' personal interest in the tank is to be evoked, the control of the funds set apart for the repair and maintenance of tanks should be entrusted to them. It is therefore proposed that these funds, *viz.*, money payments from the raiyats in lieu of labour and a portion of the irrigation cess fund collected in the village, should be credited to a fund called the Tank Fund to be controlled by the panchayet. As an additional inducement to the raiyats to constitute panchayets, it is also proposed that several items of receipts which are now credited to the general revenues of the State, as for instance, the sale proceeds of the right of fishing in the tank and of the right of grazing in the tank bed, etc., should also be credited to the Tank Fund. These items will go some way towards reducing the cost which each raiyat would have otherwise to incur. Any advance or loan which the panchayet may obtain from the Government is also to be credited to this fund.

The only other clause of the bill to which I need now refer is clause 15 which deals with the construction, restoration and improvement of minor tanks. Under the existing system, as already explained, Government does not undertake such construction, restoration or improvement unless the raiyats come forward and do the earthwork, when the Government gets the masonry and stone work executed. This clause lays down that if the panchayet undertakes to execute such construction, restoration or improvement, the Government may entrust to the panchayet all the work required with the exception of stone and masonry work which will be done at the cost of Government. It is also laid down that the Deputy Commissioner may at his discretion entrust the execution of masonry and stone work also to the panchayet.

I have briefly explained the main principles underlying this measure, and it is unnecessary at this stage to go into its provisions in detail.

We hear so much in these days about the disappearance of the old village communal system of the country, and the Governments both of British India and of the Native States have frequently been asked to try to revive the ancient system. Here, in Mysore, we have had representations made during the meetings of the Representative Assembly asking for the constitution of Village Courts for the settlement of petty civil and criminal cases. There is a general feeling at the present time that we should try and revive this ancient indigenous institution of the Village Panchayet. Whether the old communal spirit can at all be revived is a matter which it is impossible for any one to predict with certainty; but the experiment is certainly worth trying. The scheme proposed in the bill before us is a practical attempt in this direction, and I commend it to the sympathetic consideration and support of the members of this Council. Personally I have every hope that the scheme will be a success in its primary object of improving the condition of tanks and in its ulterior object of reviving the communal spirit. I look forward to a day when the raiyat will have so identified himself with his tank as to feel a proprietary interest in it and a pride in keeping it neat and trim without any prompting from the officials. When such a feeling has been engendered in the raiyats it is possible that they may employ a Nirganti to watch the tank and put earth on it to fill up the holes and gullies and pay him either from their tank fund or by voluntary contributions. They may revive the old system of keeping a buffalo for carrying earth to be put on the bund. The raiyats who personally work in the field may set apart a day in the week or month and turn out to do work on the bund, the non-labouring classes contributing in money or grain for their share of the work. A rivalry will arise between neighbouring villages and one will vie with the other as to whose shall be the best kept tank. And when once the communal spirit is infused into the minds of the people and the raiyats develop the faculty of wisely administering the details of tank management, there is no reason why we should not entrust them with even a larger share in administering their own affairs. The panchayet may in course of time be able to prevent the occurrence of abuses in the collection of revenue, and in the sale of lands for arrears or on darkhast, settle differences among the people, manage their communal concerns and generally act as a committee of vigilance on behalf of the village community. But these are distant visions no doubt.

With these remarks, Sir, I move that the bill be read in Council.

Mr. K. S. Chandrasekhara Aiyar seconded the motion which was put to the Council and carried.

Mr. K. P. Puttanna Chetty then moved that the bill be referred to a Select Committee consisting of Messrs. Rajakaryapravina A. Rangaswami Iyengar, M. Kantharaj Urs, S. Narayana Rao, V. N. Narasimmiyengar and Nagappa and the mover.

Mr. Nagappa seconded the above motion.

Rajakaryapravina Mr. A. Rangaswami Iyengar proposed the addition of Rajamantrapravina Mr. C. Srinivasiengar to the Select Committee and this was seconded by Mr. M. Kantharaj Urs. Both motions were adopted and a period of three months was fixed for the report of the Select Committee.

Bill further to amend the Code of Civil Procedure.

Mr. S. Narayana Rao:—Sir, I beg to present the report of the Select Committee on the bill to further amend the Code of Civil Procedure and in doing so, I have to observe that the Committee have unanimously approved of the bill referred to them on the 24th February last.

I desire to call attention to the recommendation made by the majority of the Committee in their report, suggesting an improvement to an earlier part of the Section 310A than that covered by the bill.

This Section 310A was introduced into the Code by Regulation III of 1906, and was intended to afford relief to certain judgment-debtors and others

whose immoveable property was sold in execution of decrees by enabling them to get the sales cancelled on payment of a certain amount of compensation to the purchasers and of the amount due under the decree to the creditor. The section may, for our present purpose, be viewed as consisting of two parts. The first part deals with the persons who are entitled to apply for cancellation of sales, while the second part lays down the terms on which the sales may be cancelled.

The bill now before the Council deals with the second part only, remedying certain formal defects therein and providing for an appeal against an order passed under this section. The amendments proposed in these respects are admitted on all hands to be necessary and desirable and the Committee have unanimously approved of the same, as I already submitted.

The further recommendation made by the Committee in their report refers to the first part of the section. The Committee felt it was not open to them to deal with this part of the section as being beyond the scope of the bill referred to them.

As this part of the section now stands in the Regulation, it restricts the persons who can apply for cancellation of the sale to the judgment-debtors and to such others as have acquired their title to and interest in the property before the same was attached, and in cases of mortgaged property before the decree directing the sale thereof was passed.

In British India the scope of this part of the section was enlarged (*vide* Section 2 of Act V of 1894) by declaring it open to every person who acquired his title to or interest in the property at any time before the Court sale thereof, to come in under this section and apply for cancellation of the same. This provision is retained in the new Civil Procedure Code of 1908 also. There are strong reasons in favour of the recommendation made by the Committee and it does not militate against the general policy or principle involved in the section. However, if the amendment recommended by the Committee cannot be regarded as part of the bill, it may be left out, and we may proceed to deal with the present bill which is intended to remove certain hardships experienced in working the section as it stands

I now move, under clause 46 of the Rules for the Conduct of Business, that the bill and the report of the Select Committee be taken into consideration by the Council.

Mr. Chandrasekhara Aiyar, in seconding the motion, added that the question of introducing the Civil Procedure Code as recently revised in British India was likely to be taken up shortly, and that the further recommendation of the Select Committee might be dealt with then.

Mr. Nagappa proposed that the consideration of the Select Committee's report might be deferred to another meeting.

Rajamantrapravina Mr. C. Srinivasaiengar seconded this proposal, and after some discussion the Council resolved to take up the further consideration of the bill at a future meeting.

The Village Offices Bill.

Mr. T. Ananda Rao:—Sir, I beg to move that the following amendments to the Village Offices Bill be now considered:—

(*i*) *Clause 7, sub-clause* (*5*).—The words "subject to any rules which may be made by Government in this behalf under Section 22" shall be substituted for the words "under rules made under Section 22" appearing in line 1 of this sub-clause and placed at the beginning thereof.

(*ii*) *Clause 8, sub-clause* (*2*).—The word "personal" shall be inserted between the words "the" and "law" in the fifth line of this sub-clause, and the word "on" shall be inserted before the words "one of his heirs" in the eleventh line thereof.

(*iii*) *Clause 8, sub-clause (3).*—In the proviso to this sub-clause, the words "or removed" shall be inserted between the words "dismissed" and "dies" appearing in line 1.

(*iv*) *Clause (9).*—In para 2 of this clause, the words "within a given time" shall be substituted by the words "within such time as may be allowed by the Deputy Commissioner or Assistant Commissioner."

Of the amendments proposed, Nos. (*i*), (*ii*) and (*iv*) do not call for any remarks. The amendment in clause 8, sub-clause (2), by the insertion of the word "personal" between the words "the" and "law" would set at rest any doubt as regards the law applicable to succession to village offices in unalienated villages.

MR. K. P. PUTTANNA CHETTY seconded the motion, which was put to the Council and carried.

MR. ANANDA RAO then moved that the bill as amended be passed by the Council. In doing so, he said:—Sir, I beg to move that the Village Offices Bill as amended be now taken up and passed by this Council. The success of the Revenue Administration depends to a great extent upon the efficiency of the village service. A measure of this kind to regulate appointment to that service has been under consideration for a long time till it is now for this assembly to enact it into law.

Mr. K. P. PUTTANNA CHETTY seconded the above motion.

RAJAMANTRAPRAVINA MR. C. SRINIVASIENGAR:—SIR, With your kind permission I beg to say a few words before I give my vote in favor of this bill. This is a measure of considerable importance that affects both the Government and the public in general and our village officers in particular. The law on the subject has till now been scattered over a large body of rules, standing orders, executive orders and decisions of Government, many of them not known or accessible to the public. The enactment which has now reached its final stage has for its object the removal of many anomalies and misconceptions which have hitherto existed on this important subject. There have been doubts, uncertainties, ignorance and differences of opinion with regard to several matters connected with village administration. In short, this legislation aims at evolving order out of chaos, and has in my opinion not been undertaken a moment too soon.

Sir, through your patience and forbearance we have had an exhaustive and interesting debate in the course of which all shades of opinion have been elicited and much useful information collected and the subject discussed threadbare from every stand-point. In the result, the measure is now emerging from the crucible in a form which I think ought to be acceptable to all concerned and upon which all of them are entitled to congratulate themselves. It is a pleasure to me when out of office to find myself associated in however insignificant a manner with the passing of a measure in the inception of which I had something to do while in office.

I do not propose to detain the Council by any detailed examination of the various provisions of this bill. Suffice it for me to say that, among other matters, ambiguous or obscure expressions have been clearly defined, suitable provision has been made for appointments and punishments, the principle of heredity has been scrupulously kept in view even to the extent of applying it to absentee heirs and heirs however remotely connected. Provision has been made for suits, applications and references; in the matter of appeals, we have been extremely liberal in that we have allowed three appeals, a thing which does not to my knowledge obtain anywhere else; unnecessary restrictions upon alienation have been abrogated; in short, nothing has been omitted the inclusion of which is calculated to enhance the usefulness of this measure, which I may say has the further merit of being as concise as it is self-contained. If one body of persons more than another is likely to be benefited by this enactment, it is the holders of alienated villages in the State whose troubles are at present as great as their number is legion. Under the new law, they will,

in case they show themselves deserving of the confidence of Government, be given large powers, a judicious exercise of which will enable them to more effectually control their staff of village servants. Owing to the complex nature of the subject, this Council has been confronted at almost every step with difficulties of no ordinary magnitude which well nigh threatened to be insuperable; but, thanks to the sympathetic Government willing and ready to make concession wherever this could be done without the sacrifice of principle or the impairment of efficiency, we have happily been enabled to surmount those difficulties in a manner eminently satisfactory. Some idea of the extent of time and attention and labour bestowed by us upon the bill may be formed from the fact that this short measure of not more than 22 sections occupied the Council no less than eight sittings of not less than several hours duration each. I have heard it said in some quarters that the bill is being rushed through with inordinate haste, and that due regard is not being paid to custom and vested interests. In my humble opinion, this is a baseless charge. As a matter of fact, all vested rights have been recognized; the position and prestige of our village offices have been strengthened and raised; and everything has been done to make the measure as popular and efficient as could be done under the circumstances. I am sure that when the provisions of the bill, as now revised and approved by Council, come to be generally understood, they will be better appreciated, and welcomed by the public with gratification and gratitude.

It only remains for me now, Sir, to thank you for allowing us free latitude and encouraging us to speak without reserve even at the risk of the discussion sometimes lapsing into desultoriness; and, I may assure you that this indulgence has not been thrown away; for, as the bill now issues from the legislative anvil, it is a document on which the Province may well be congratulated.

MR. B. NAGAPPA.—Sir, I fully concur in the sentiments so eloquently expressed by Mr. Srinivasiengar. As observed by him, the bill contains clear provisions of law on many important questions on which there were conflicting decisions. It embodies all the provisions of law on the subject which were hithereto found scattered in the rules, proceedings and standing orders of Government, which were not easily accessible to the legal practitioner and much less so to the public. It also contains some important changes in the existing law.

It was hitherto a difficult task for a legal practitioner to advise upon any question relating to the holders of village offices, owing partly to the unsatisfactory state of the law and partly for the want of a regulation containing the whole law on the subject. The absence of any settled principle to guide the Revenue Courts led to the unhappy increase of litigation.

Now that this bill which embodies a clear exposition of law is just about to be passed into law, we may expect with confidence that it will prove beneficial to the large section of the community to which it applies. Being fully convinced that this is a beneficent measure, I give my vote for the passing of this bill.

In conclusion, Sir, permit me to express my sincere thanks to you for the kind and sympathetic treatment accorded and the patient hearing given to the non-official members.

The motion was put to the Council and carried.

PRESIDENT:—Gentlemen, I need not say how equally gratifying it is to me to see the bill passed at this sitting; and it is a source of very great pleasure to me that such kind and appreciative remarks regarding my share in the passing of this bill have fallen from Mr. Srinivasiengar who was so honorably connected with the past administration and whose experience in so many different branches of the State service has been placed at the disposal of the Council to the great benefit of the discussions that have taken place here. An appreciation from him who has such intimate knowledge of the subject of this bill (we may now call it a Regulation) is most valuable and will go a great way to assure the public and the village community in particular that the Regulation in

which they are so interested is the outcome of long and full discussion of the subject from every point of view. They will all feel re-assured from the remarks of such an authority as Mr. Srinivasiengar that every interest has been considered and safeguarded. I may say the same as regards the remarks made by Mr. Nagappa who is another non-official member. Mr. Nagappa is in addition a representative of the agricultural community and his remarks are the more valuable on that account.

I cannot do better in connection with what has been said by the two members than read to you some appreciative remarks from His Highness who, as you know, has been watching the progress of the bill and has been taking a keen interest in our discussions. This is what His Highness has commanded me to communicate to you :—"I desire to congratulate the Legislative Council and its President on the satisfactory manner in which this important and contentious measure has been dealt with. The discussions were full and informing and show that the members, both official and non-official, fully appreciate their responsibility and are prepared to bestow ungrudgingly their time and thought on the measures submitted to them. I should be glad if the President would take the opportunity of the next meeting of the Council, after the bill becomes law, to express my appreciation of the services rendered by the non-official members in particular."

This must be very gratifying testimony to you all and sufficient reward for the services you have rendered in passing the bill through the Council.

The non-official members requested the Dewan to convey to His Highness the Maharaja their respectful acknowledgments for the gracious message which His Highness was pleased to communicate to them through the President and they further assured him (President) that they felt highly gratified and honored that their humble services in connection with the Village Office Bill should have attracted the kind notice of His Highness and elicited his warm approval and appreciation.

The meeting then adjourned.

V. P. MADHAVA RAO,
President.

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Bangalore

Dated 5th Decr 1908

To

L. S. Balasundaram Iyer Esqr.

Secretary to the Mysore Legislative Council.

SIR,

Please take notice that I intend making a motion ~~that~~ to introduce and read the bill further to amend the City of Mysore Improvement Regulation III of 1903

at the meeting of the Mysore Legislative Council to be held on Wednesday the 16th December 1908.

I have the honor to be,
Sir,
Your most obedient servant,

J. Manchar Rao

Ex officio *Member, Mysore Legislative Council.*

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SUPPLEMENT TO

The Mysore Gazette.

PUBLISHED BY AUTHORITY.

BANGALORE, THURSDAY, DECEMBER 17, 1908.

Abstract Proceedings of the Mysore Legislative Council.

The Council met in the Council Chamber in the Public Offices, Bangalore, on Wednesday the 16th December 1908, at 3 P.M.

PRESENT.

V. P. MADHAVA RAO, ESQ., C.I.E., Dewan (Presiding).

Ex-officio Members.

T. ANANDA RAO, ESQ., B.A., (First Councillor).

K. P. PUTTANNA CHETTY, ESQ., (Second Councillor).

Additional Members.

Official.

RAJAKARYAPRAVINA A. RANGASWAMI IYENGAR, ESQ., B.A., B.L.

RAO BAHADUR M. MUTHANNA, ESQ.

S. NARAYANA RAO, ESQ.

K. S. CHANDRASEKHARA AIYAR, ESQ., B.A., B.L.

Non-official.

RAJAMANTRAPRAVINA C. SRINIVASA IYENGAR, ESQ.

V. N. NARASIMMIYENGAR, ESQ.

M. C. RANGIENGAR, ESQ., B.A.

B. NAGAPPA, ESQ., Barrister-at-law.

SYED AMIR HASSAN, ESQ.

C. S. BALASUNDARAM IYER, ESQ., B.A., (Secretary).

ABSENT.

Official.

H. J. BHABHA, ESQ., M.A.

M. KANTHARAJ URS, ESQ., B.A.

The Secretary reported to the Council that the Village Offices Bill had received the assent of His Highness the Maharaja on the 16th day of October 1908.

Bill to recognize the representative character of the Administrator General of Madras.

MR. K. S. CHANDRASEKHARA AIYAR moved for leave to introduce the above bill, and in doing so said :—

Sir,—I beg with your permission to move for leave to introduce a Bill to provide for the better recognition of the representative character of the Administrator-General of Madras in respect of the assets of deceased British subjects in Mysore.

I may state at the outset that the subject is one that has been under discussion between the Government of Mysore and the British Government since the year 1902, and that the object of the present Bill is to give effect to the understanding that has been reached as the result of such discussion. The legislation proposed is therefore more or less of a formal character.

Next, as to the object of the Bill. The Administrator-General's Act, II of 1874, extends not only to the whole of British India, but also, as far as regards British Subjects of His Majesty the King Emperor, to the dominions of Princes and States in India in alliance with His Majesty. For purposes of administrative convenience, Mysore has been included in the definition of the "Presidency of Madras;" and Section 23 A of the Act declares that probates or letters of administration granted by the High Court at Madras to the Administrator-General of the Presidency of Madras shall have effect over all the assets of a deceased British Subject throughout such Presidency including, of course, the Mysore State.

Since, however, the Act in question was not included in the schedule to the Instrument of Transfer as one of the enactments in force here at the time of the Rendition, and has not since been extended to Mysore by His Highness the Maharaja, it is not part of the territorial law of the State, though of course it is binding as a personal law on British Subjects resident herein. As a consequence, unless the Courts of Mysore are empowered by means of local legislation to recognize the status of the Administrator-General, the provisions of Section 23 A, already quoted, cannot render an authorization by the Madras High Court sufficient in all cases.

The members of this Council may not be unaware that the Mysore Government have already to a limited extent recognized the legal status of the Administrator-General of Madras. For, in clause (ii) of Section 4 of the Succession Certificate Regulation, VII of 1901, it is provided that a Court in Mysore may accept, among other things, a certificate granted under Section 36 or 37 of the Administrator-General's Act, 1874, in proof of the representative title of any person applying for the passing of a decree or for the execution of a decree or order for payment, against the debtor of a deceased person.

What is now proposed is to go a little further and to recognize the representative title of the Administrator-General (under probates and letters of administration granted by the Madras High Court) against all debtors of, and all persons holding property belonging to, deceased British Subjects in the State. For this purpose, a general extension of the British Act is unnecessary, and it is found sufficient to enact a short Regulation on the lines of the Rules framed in this behalf for the Civil and Military Station of Bangalore in a notification of the Government of India of the 15th September 1905.

The Council may rest assured that no loss of stamp revenue will accrue to the State by the arrangement outlined above. It has been settled that the fees payable under Article 11 of Schedule I of the Court Fees Act, 1870, in respect of grants of probate or letters of administration to the Administrator-General, shall, in the case of property belonging to deceased British Subjects situated in the Mysore State, be made over to His Highness' Government by refund from the British Treasury. This, however, is a matter for executive action between the Governments concerned, and will not find a place in the Bill.

With these remarks, I beg to move that leave be granted to introduce the Bill in question into the Council.

RAJAMANTRAPRAVINA Mr. C. SRINIVASA IYENGAR, seconded the motion.

The motion was put to the Council and carried.

A Bill further to amend the City of Mysore Improvement Regulation, III of 1903.

Mr. T. ANANDA RAO moved that the bill be read in Council, and in doing so said:—

Sir,—At our last meeting the Council were good enough to accord to me leave to introduce a bill further to amend the City of Mysore Improvement Regulation, III of 1903.

The Bill has been printed and published under Notification No. 121, dated 31st October last, and I have already explained its main purpose and import. I now beg to move that it be introduced and read at the present meeting of the Legislative Council.

Owing to the non-contentious nature of the proposed enactment and the importance of giving effect to the provisions of the Bill at an early date, it seems to me that the Bill need not be referred to a Select Committee under Rule 45.

MR. K. S. CHANDRASEKHARA AIYAR seconded the motion.

The Bill was then read by the Secretary.

MR. M. C. RANGIENGAR supported the motion and said,

In this connection, I beg to submit, as a member of the Mysore City Improvement Trust Board, that it is more than three years since a recommendation was made by the Board to the Government that the Trust Regulation should be amended on the lines of this Bill. At that time it was thought that the Municipality had ample powers to get the necessary works executed, and it was not considered necessary to confer these powers on the Trust Board. On account of the want of these powers in the Board, however, a good deal of the work of improvement which could have been done during the past three years has been left undone. Under these circumstances, the present bill comes not a moment too soon. I have therefore much pleasure in supporting the motion.

The motion was thereupon put to the Council and carried.

MR. T. ANANDA RAO then proposed the suspension of the rules of business to permit of the bill being finally considered and passed at this meeting of the Council. This was seconded by MR. NAGAPPA and the motion was put to the Council and carried. The bill was then finally considered by the Council and passed.

A Bill to provide a law relating to Treasure Trove in Mysore.

RAJAKARYAPRAVINA MR. A. RANGASWAMI IYENGAR:—Sir, I beg to introduce the Bill to provide a law relating to Treasure Trove and to move that it be read in Council. Before proceeding to refer to the provisions contained in it, I propose to give a short account of the law on this subject at present in force in Mysore: It is contained in the Rules published under the late Chief Commissioner's Notification No. 6 of 1867, and had been adopted from the Madras Regulation XI of 1832. But, having been issued without the sanction of the Government of India, the Rules were not included in the schedule to the Instrument of Transfer and so early as in 1886 the questions as to their legal validity and the expediency of the introduction of a Treasure Trove Act were raised. A Draft Regulation was prepared on the basis of the Government of India Act, VI of 1878, and subjected to careful scrutiny and revision from time to time, and a final draft was prepared in 1894. But in connection with an appeal from an order of the Deputy Commissioner of Shimoga regarding some coins found in a temple under the Chief Commissioner's Rules, a proposal was made to retain the said rules with some minor alterations as regards wording and procedure. But no final action was taken even on this proposal and ultimately it was decided with a view to remove all doubts as to the validity of the existing Rules to introduce a Regulation based on the British Indian Act, VI of 1878.

The principles of jurisprudence applicable to the rights to Treasure Trove or property found hidden underground have differed at different times and in different countries with reference to the ideas prevailing therein as to the rights of property of Government and of individuals.

It is scarcely necessary to enter into any explanation of those principles. They have been referred to in detail in the speeches of the Hon'ble Member who piloted the Bill in the Legislative Council of the Government of India, and it is sufficient to remark that the Draft Bill does not contemplate any material changes in the fundamental principles underlying the provisions of the Chief Commissioner's Rules which have been in force in the State for so many years. Nor is any argument needed to recommend to your acceptance the enactment of a measure on the lines of the British Indian Act, VI of 1878, which has been passed in the legislature of the Government of India after mature deliberation and after careful consideration of the laws on the subject in force in almost all the civilised countries of the world. We are on safe ground in adopting the provisions of such a measure, the more especially as our aim has always been to bring our laws in line with those obtaining in British India. Though drafted on the model of the Indian Act, there are, however, a few material alterations which I shall presently refer to. The chief aim of this Regulation is to prevent the concealment of the discovery of any treasure and its appropriation by the finder to the detriment of the right of persons interested and, what is of greater importance, to enable Government to acquire such articles as may be of historic or artistic importance and worthy of preservation in the interests of the public.

The Bill accordingly requires that intimation shall be given by the finder of the discovery of any treasure and provides penalties for omission to give such intimation. It recognises the right of all persons who can prove an antecedent property in it. This antecedent right is however permitted to be asserted and proved only in cases where there is presumptive evidence that the treasure was hidden within the previous one hundred years. Provision is also made to determine the respective rights of the finder and the owner of the land where the treasure was found, when such right of property is not established. All claims to the treasure and disputes as to the ownership of the land are to be referred to Civil Courts for adjudication. The remaining clauses relate to the procedure to be followed in carrying out the above provisions.

The Bill differs from the British Indian Act, VI of 1878, in the following particulars:—

(*a*) The right of Government to the excess beyond one lakh when no person other than the finder has established his right to a share (clause 17). This is taken from the Chief Commissioner's Rules, though there is no similar provision in the Indian Act.

(*b*) As between the owner and the finder, the Indian Act allots three-fourths to the finder and one-fourth to the owner. An equal division between the two is considered more equitable and the Bill provides for this accordingly (clause 12).

(*c*) When the Deputy Commissioner proceeds to sell the treasure under clause 12, he is required to take the orders of Government as to the particulars of sale.

(*d*) Power is reserved to Government to make rules on matters incidental to treasure-trove not provided for in the Bill.

I need not discuss at present the reasons which led to the proposal of these alterations, as the provisions of the Bill may have to be considered by a Select Committee and brought up for discussion in this Council before it is passed. With these brief remarks, I beg to move that the Bill be read in Council.

MR. S. NARAYANA RAO seconded the above motion, which was put to the Council and carried.

RAJAKARYAPRAVINA MR. A. RANGASWAMI IYENGAR, then moved that the Bill be referred to a Select Committee composed of MR. ANANDA RAO, RAJAMANTRAPRAVINA MR. C. SRINIVASA IYENGAR, MR. NAGAPPA, MR. NARAYANA RAO and the mover.

The motion was put to the Council and carried.

Bill for the Regulation of the Possession and Sale of Poisons in Mysore.

MR. K. P. PUTTANNA CHETTY moved that the bill for the regulation of the possession and sale of poisons in Mysore be read in Council. This was seconded by MR. K. S. CHANDRASEKHARA AIYAR. The motion was put to the Council and carried.

The Bill was then referred to a select committee consisting of MR. K. P. PUTTANNA CHETTY, MR. RANGIENGAR and MR. S. NARAYAN RAO.

The Police Bill.

MR. K. P. PUTTANNA CHETTY moved that the following amendments to the Police Bill be considered :—

(1) The following shall be substituted for clause 26 (1) :—

" Clause 26 (1). Any officer authorized by Sub-Section (3) in that behalf may—

(*a*) suspend, reduce or dismiss any Police Officer below the grade of Assistant Superintendent, or

(*b*) impose on any such Police Officer who is guilty of any breach of discipline, misconduct or neglect of duty which does not necessitate his suspension, reduction or dismissal or who, by any act of his own, renders himself unfit for the discharge of his duty, any one or more of the following punishments, *viz.* :—

(1) fine not exceeding one month's pay ;
(2) deprivation of good service pay ;
(3) removal from any office of distinction or special emolument ;
(4) entry of a black mark against his name in the manner prescribed by rules made in this behalf ;
(5) forfeiture of leave ;
(6) punishment drill ;
(7) extra guard, fatigue or other duty.

Provided that the punishments mentioned in clauses (4), (6) and (7) shall not be imposed on any officer of or above the rank of jamedar."

MR. ANANDA RAO seconded the above motion.

The motion was put to the Council and carried.

(2) *Clause 46, sub-clause (1) (b).*—The words " or competent authority " shall be inserted between the words " Magistrate" and " under " in line 2 of the above sub-clause.

The motion was also seconded by MR. ANANDA RAO and was put to the Council and carried.

(3) *Clause 46, sub-clause (3).*—The word " under " shall be inserted between the words " issued " and " this " occurring in line 3 of this sub-clause.

The motion was duly seconded and was then put to the Council and carried.

The above amendments having been passed by the Council, MR. K. P. PUTTANNA CHETTY moved that the Bill as amended be passed by the Council.

MR. K. S. CHANDRASEKHARA AIYAR seconded the above motion.

MR. M. C. RANGIENGAR supported the same and said,

Mr. PRESIDENT,—This is a very important Bill on which I may be permitted to make a few observations before the motion is put to the Council.

The Secretary announced to the Council to-day the assent of His Highness the Maharaja to an important Bill, *viz.*, the Village Offices Bill. No scheme of Police Administration can be successful which ignores the importance of the village servants. Appropriately, therefore, the Police Bill comes close upon the heels of the Village Offices Bill. The Village Offices Bill having been passed recently the proper time has now arrived for passing the Police Bill.

One of the principal objects of this Bill is to bring the village servants into direct relation with the organized constabulary. In British India the same attempt has been

made and the experiment is being watched with interest. The last Administration Report shows that the authorities there could not pronounce the results of the experiment as altogether satisfactory. But they hope that the scheme will prove a success in course of time. But, in Mysore, the conditions are slightly different and the attempt to bring the village servants into direct relation with the regular Police force is, I submit, likely to be more successful for this reason, that in Mysore the village servants are not under a dual control as in British India. The village servants are under the control of the Amildar whose status and connection with the Police have been emphasised in the Bill. The Amildar is the head of the Police in the taluk and being also the head of the Revenue administration of his taluk, it seems to me that it will be practicable to co-ordinate the regular force with the village servants. For this reason, the experiment must necessarily prove more successful here in Mysore than outside it.

As regards the provisions of the Bill itself, I have very little to submit for the consideration of this Council, because the Bill, immediately before it was introduced into Council, had been considered by a very strong Departmental Committee consisting of the present Revenue Commissioner, the present Second Councillor and other distinguished officers of the State. They discussed the provisions so thoroughly and so well that, when the Bill emerged from the committee and came before this Council, even a reference to the Select Committee was scarcely necessary. The Select Committee which was later on appointed made very few alterations and, when these were placed before the Council, the Council considered it desirable to adopt the recommendations of the original Committee. A few important changes were, however, introduced which met with the approval of the Council.

One great object of the Bill is to make it possible for the executive to render the Police force as efficient as possible. It goes without saying that mere legislation will not make the Police force efficient. A great deal depends upon what rules the Government will make under the Police Regulation and the way in which the provisions of the Regulation and the Rules will be worked. It must be conceded that this Bill gives large and extensive powers to the Police force, powers which it is possible may be misused by unworthy officials. It is a matter for the anxious consideration of the Government to see that these extensive powers are not misused by the Police force. Men of character, intelligence and energy must be encouraged to join the force. But these are matters which the Government should consider in its administrative aspect and with which this Council has nothing to do. But, I make these humble suggestions with a view to impress upon the Government the necessity for improving the Police force. That there is ample scope for improving it cannot be denied and, I submit, that this Council has done its best to provide a very satisfactory piece of legislation towards attaining that object. I heartily support the motion that this Bill be passed into law.

The motion was put to the Council and carried.

The Council then adjourned.

V. P. MADHAVA RAO,
President.

Bill further to amend the City of Mysore Improvement Regulation, 1903.

Whereas it is expedient further to amend the City of Mysore Improvement Regulation, 1903; His Highness the Maharaja is pleased to enact as follows:—

Preamble.

References to Regulations of 1871 changed to references to Mysore Municipal Regulation, 1906.

1. The references to the Municipal Regulations of 1871 shall be changed to references to the Mysore Municipal Regulation, 1906.

Substitution of "Municipal Council", etc., for "Municipal Commission", etc.

2. In sections 4, 5, 7, 16, 19, 21, 24, 26, 30, 31, 33, 37 and 38, for the words "Municipal Commission," "Municipal Commissioner" and "Municipal Commissioners," there shall be substituted, respectively, the words "Municipal Council," "Municipal Councillor" and "Municipal Councillors."

Amendment of section 4.

3. In section 4 relating to the constitution of the Board, the word "nine" shall be substituted for the word "eight," and the words "the Health Officer of the Mysore City Municipality; the Deputy Sanitary Commissioner to the Government;" shall be substituted for the words "the Civil Surgeon for the time being of the Mysore District."

Substitution of a new section for section 20.

4. For section 20, the following shall be substituted.

Board may exercise certain powers of Municipal Councillors in regard to streets, drains, privies, sewers, etc., services of notices etc., and execution of works and recovery of cost.

"20. The provisions of sections 41, 50, 90 to 93, 113, 116, 118, 119 and 121 to 125 of the Municipal Regulation, VII of 1906, in regard to streets; of sections 99 to 105, 107(1), 108 109, 111 and 112 in regard to drains, privies, sewers etc.; of section 154 in regard to the service of notices etc.; and of section 156 in regard to the execution of works when the owner or occupier fails to execute the same and the recovery of the expenses thereof from him shall, so far as may be consistent with the tenor of this Regulation, apply,

(*a*) to streets, drains, privies, sewers, etc., or parts thereof vested in the Board under this Regulation, and

(*b*) to the service of notices, the execution of works and the recovery of expenses by the Board under this Regulation; and all references in the said provisions to the Municipal Councillors or other Municipal authority shall be construed as references to the Board."

Received the assent of His Highness the Maharaja on the 11th day of January 1909

M. Krishnaswamy Rao

Dewan.

Bill further to amend the City of Mysore Improvement Regulation, 1903.

Preamble.

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Board may exercise certain powers of Municipal Councillors in regard to streets, drains, privies, sewers, etc., services of notices etc., and execution of works and recovery of cost.

(*a*) to streets, drains, privies, sewers, etc., or parts thereof vested in the Board under this Regulation, and

(*b*) to the service of notices, the execution of works and the recovery of expenses by the Board under this Regulation; and all references in the said provisions to the Municipal Councillors or other Municipal authority shall be construed as references to the Board."

Received the assent of His Highness the Maharaja
On the 11th day of January 1909

T. Madhava Rao
Dewan